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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/700,186 | 11/13/2000 | Serge Haumont | PM274354 | 2636 |
| 909 | 7590 | 07/09/2004 | EXAMINER | |
| PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102 | | | GESESSE, TILAHUN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | 8 |
| DATE MAILED: 07/09/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/700,186 | HAUMONT ET AL. | |
| | Examiner | Art Unit | |
| | Tilahun B Gesesse | 2684 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/16/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 8-17 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This is in response to applicant's amendment and response filed April 16, 2004, in which claims 1-17 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2,4,11-12,14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Cropper (5,819,178).

As to claim 1, Regarding claim 1,2, Cropper discloses a method of controlling a transmission of a message in a mobile communication system (broadcasting the subscriber data registration request, figure 3a-c). Cropper discloses the message is received (receive registration request (column 5, lines 3-11 and figure 3A), the message

is stored in a buffer of the messages to be transmitted (column 5, lines 56-62 and figure 3C), the message is scheduled, the message located in the buffer is transmitted according to the predetermined scheduling, includes determining a life time for the message, and expiry of the life time (column 5, lines 25-35 and figure 3B)). Cropper discloses deleting the message upon expiring (column 6, lines 17-35 and figure 3C).

As to claim 4, Cropper discloses receiving the message to be transmitted from another network element, making a report one the successful transmission of the message in response to deleting the message from the buffer, and transmission the report to the another network element (column 5, lines 1-12 and figure 1).

As to claim 11-12, 14-17, Cropper discloses a mobile communication system comprising at least one service center (300) to transmit a message as a broadcast transmission and at least one network element via which the message is transmitted to cells belonging to a destination area (figure 1). Cropper discloses the message is received (receive registration request (column 5, lines 3-11 and figure 3A), the message is stored in a buffer of the messages to be transmitted (column 5, lines 56-62 and figure 3C), the message is scheduled, the message located in the buffer is transmitted according to the predetermined scheduling, includes determining a life time for the message, and expiry of the life time (column 5, lines 25-35 and figure 3B)). Cropper discloses deleting the message upon expiring (column 6, lines 17-35 and figure 3C).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6,9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cropper in view of Osawa.

As to claim 3, 13,Cropper does not discloses determining an acknowledgement time for the message to be transmitted as a group call, transmitting the message to the group members , waiting for the acknowledgements of the group members during the acknowledgement time , checking after the expiry of the acknowledgement time. However, Osawa discloses determining an acknowledgement time for the message to be transmitted as a group call, transmitting the message to the group members (205), waiting for the acknowledgements of the group members during the acknowledgement time (207), checking after the expiry of the acknowledgement time, (column 2, lines 35-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Cropper and Osawa in waiting for acknowledgement of the group members during acknowledgement timer, as taught by Osawa, for conforming the receipt of the broadcast message to plurality of user and secured message delivery technique in place.

As to claims 5-6,8-10 Cropper discloses most of the limitation as explained in claim 1, except waiting for the acknowledgements of the group members during the

acknowledgement time , checking after the expiry of the acknowledgement time. However, Osawa discloses checking in the second network element after the expiry of the acknowledgement time, whether a predetermined part of the group members has acknowledged the message , and if it has, making a report on the acknowledgements and deleting the message from the buffer of the second network element , if it has not, transmitting the message located in the buffer to the mobile stations from whom an acknowledgement has not been received (column 2, lines 15-65). Since, Cropper, in a similar field of endeavor, teaches subscriber data received before subscriber data request timer expires (figure 3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Cropper and Osawa in waiting for acknowledgement of the group members during acknowledgement timer, as taught by Osawa, for conforming the receipt of the broadcast message to plurality of user and secured message delivery technique in place.

Allowable Subject Matter

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6,8-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

art unit 2684

June 28, 2004


TILAHUN GESESSA
PATENT EXAMINER